

Appl. No.: 10/714,359
Amndt. dated Oct. 22, 2004

II. Remarks

Claims 57-104 were pending in the application prior to this submission. Claims 57-104 have been cancelled and new claims 105-317 have been added. Therefore, claims 105-317 are pending in the application.

In this paper, Applicants for clarity delete all pending claims and submit new claims. However, all independent claims (with the exception of claim 269) have been previously allowed by the Examiner. Hence, Applicants should not be understood as surrendering any subject matter by virtue of this amendment, nor should Applicants be understood as responding in this amendment to any pending claim rejections. To summarize the relationship between the new independent claims and the claims previously allowed by the Examiner, Applicants note that:

- New independent claim 105 corresponds to allowed original claim 57.
- New independent claim 125 corresponds to allowed original claim 65.
- New independent claim 162 corresponds to allowed original claim 68.
- New independent claim 197 corresponds to allowed original claim 72.
- New independent claim 207 corresponds to allowed original claim 80.
- New independent claim 220 corresponds to allowed original claim 81.
- New independent claim 244 corresponds to allowed original claim 85.

Because these independent claims have been previously deemed allowable over the prior art, their dependent claims are also necessarily allowable. Accordingly, Applicants respectfully request that the Examiner indicate the allowance of claims 105-268 in the next paper from the Office.

New claims 269-317 have been added and are fully supported by the originally filed disclosure. New independent claim 269 has not been previously allowed by the Examiner. However, this claim is clearly allowable over the art of record.

Chaze (U.S. Pat. No. 2,551,095) shows a scraper 10, which is a bottomless box with lower edges of its faces shaped as semi-cylinders having the same radius of the trough 5. See Chase at col. 2, ll. 22-25. Tobacco is fed by "swinging the scraper from the position shown in Fig. 9 to the position shown on Fig. 10." Chase at col. 2, ll. 52-54.

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In addition, Josuttis (U.S. Pat. No. 4,572,216) in Figs. 2-3 shows a rod grate 9 and a pin shaft 2 positioned beneath the rod grate 9. Upon rotation of the pin shaft 2, pins 8 on shaft 2 pass through grate 9 and grasp the tobacco in the filling hopper. See Josuttis at col. 2, ll. 62-68. Moreover, in Figs. 9-10, Josuttis shows a shaft knife 30 with cutting edges 31 and recess 32 in the rotating cutting direction. Rotation of the shaft knife 30 moves tobacco from the hopper 1' to supply chamber 3'. See Josuttis at col. 2, ll. 62-68.

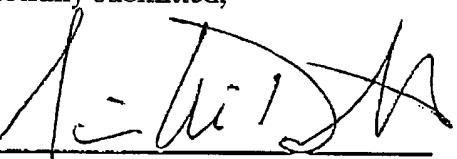
Thus, neither of these references shows "metering loose tobacco from a hopper to a compression chamber by reciprocating through a plurality of *linear strokes*," as recited in claim 269. Accordingly, Applicants believe that claims 269- 317 are in proper form for allowance and respectfully request that the Examiner indicate the allowance of these claims in the next paper from the Office.

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To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

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